



MISSOURI DEPARTMENT OF MENTAL HEALTH

Dorn Schuffman Director



DEPARTMENT
OPERATING
REGULATION
NUMBER

DOR
6.155

CHAPTER Human Resources	SUBCHAPTER Personnel Administration	EFFECTIVE DATE 2/01/2004	NUMBER OF PAGES 3	PAGE NUMBER 1 of 3
SUBJECT Temporary Modified Duty		AUTHORITY 630.050 RSMo	HISTORY See Below	
PERSON RESPONSIBLE Director, Office of Human Resources			Sunset Date 7/1/2007	

PURPOSE: To set guidelines for temporary modified duty with the goal of reducing employee absences and commensurate costs.

APPLICATION: Applies to the entire department. Applies to work-related and non work-related injuries and illness.

(1) As used in this Department Operating Regulation (DOR), and in facility policies, the following terms mean:

(A) "Temporary Modified Duty", a temporary work assignment that meets the needs of the facility and the employee during the employee's recovery after an injury or illness due to a work related injury or non-work related injury. The temporary modified duty assignment shall not exceed six weeks unless exceptions are approved by the appointing authority or designee, based on recommendations from the person licensed to treat and in compliance with the FMLA.

(B) "Person Licensed to Treat", any person licensed to diagnose and treat physical or mental conditions.

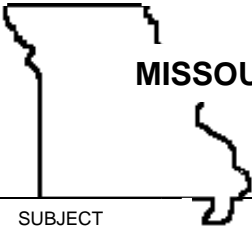
(C) "Regular Wages", for the purposes of this policy, regular wages shall mean the current base pay rate. It is comprised of the hours worked or paid leave and shall be pro-rated according to the hourly base pay rate. Base pay rate shall include related differentials as designated by the personnel advisory board if temporary modified duty is performed on the evening or night shift.

(D) Employees shall be required to perform the essential functions of their regular job assignment after completion of the modified duty program.

(2) When considering an employee for temporary modified duty, the appointing authority or designee shall comply with requirements of the Americans with Disabilities Act, Workers' Compensation, the Family Medical Leave Act, and all other applicable state and federal requirements.

(3) An employee who requests temporary modified duty for non-work related injury or illness shall provide written documentation from the person licensed to treat, including but not limited to restrictions resulting from the injury or illness and the anticipated duration of the employee's limitations. The appointing authority or designee may verify all medical conditions and may, at its own expense, request a second opinion.

(4) When determining whether an employee will be given temporary modified duty, the appointing authority or designee shall consider the nature of the illness or injury, the



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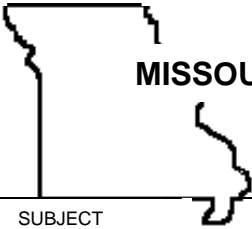
anticipated duration of the employee's restrictions, recommendations of the person licensed to treat, second opinions, availability of temporary modified duty work assignments, and other relevant criteria.

(5) When an employee is released to return to work from a work related injury or illness, the person licensed to treat the employee's condition shall identify any restrictions which the facility shall consider in making the modified duty assignment. The facility may adjust the employee's work schedule and/or location to meet the needs of the facility and the requirements of the modified duty assignment. No reductions will occur in the employees salary while the employee is participating in the modified duty program due to a work related injury or illness.

(6) If an employee refuses to accept a temporary modified duty based on the written recommendations from the person licensed to treat, the employee shall provide written reasons for his/her refusal to the appointing authority or designee within 2 days. After receipt of the employee's written refusal, the appointing authority or designee shall meet with the employee within 5 days to discuss other options. The appointing authority or designee shall notify the employee of that decision in writing within 2 days after the meeting with the employee. The decision of the appointing authority or designee shall be final as to whether there is a temporary modified duty assignment and the nature of that assignment. The appointing authority or designee shall notify the employee of that decision in writing within 2 days after the meeting with the employee. The employer shall notify the Central Accident Reporting Office (CARO) of the employee's refusal to participate in the modified duty program. The employer shall notify the Central Office "Modified Duty Liaison", located in the Human Resource Office, if the employee cannot perform modified duties but has been released by the person licensed to treat the work related injury/illness. The liaison will contact CARO to determine the appropriate action or referral.

(7) If an employee with a written release to modified duty from their Health Care Provider refuses to accept a temporary modified duty assignment, the employee forfeits his/her rights to temporary modified duty provided that the facility has met the burden of a temporary modified duty assignment consistent with the limitations imposed by the Health Care Provider. Further, use of sick leave is not an option.

(8) The temporary modified duty may be terminated with written notification at any time by the appointing authority or designee or the employee for modified duty assignment relating to non-work related injuries/illnesses. If the temporary modified duty is terminated by the employee for reasons other than to return to work, the employee will meet with the appointing authority or designee to discuss continued employment options.



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(9) During the temporary modified duty assignment, the employee shall receive regular wages.

(10) At the request of the appointing authority or designee, the employee shall provide written statements from the person licensed to treat describing the employee's progress toward recovery.

(11) The Temporary Modified Duty program, for work or non-work related injuries/illnesses, is designed to be "TEMPORARY" and shall not exceed the requirements of FLMA.

(12) Each year the Office of Human Resources will analyze data to determine participation in the Temporary Modified Duty program. A report will be completed showing trends and facility participation rate compared to other State Departments. OHR staff will also review data provided by the Office of Administration of Risk Management to determine the impact of the Temporary Modified Duty Program and its impact on Department facilities and services to your clients.

History: Original DOR effective January 1, 1999. Sunset date extended effective July 1, 2002. Amendment effective February 1, 2004.